

PUBLIC EMPLOYMENT RELATIONS BOARD[621]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 20.6(5), the Public Employment Relations Board amends Chapter 7, “Impasse Procedures,” Iowa Administrative Code.

Chapter 7 implements the system set out in Iowa Code chapter 20 for resolving impasses in collective bargaining negotiations between public employers and the employee organizations certified to represent groups of the public employer’s employees. Parties are not required to utilize the statutory process, which is initiated by a request that the Board provide them with a mediator, but most do employ the statutory scheme or an agreed-upon variant which includes Board-provided mediation. These amendments implement a filing fee payable by a party who chooses to request a Board-appointed mediator and a processing fee payable by parties who actually schedule a mediation session with a Board-appointed mediator. These amendments, as well as other revenue-generating and expense-reduction measures, are necessary in order to ensure the Board’s ability to provide qualified mediators on request, notwithstanding the most recent across-the-board reductions in agency spending.

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are impracticable because, due to the timing of collective bargaining under Iowa Code chapter 20, most requests for mediation are filed, and most mediation sessions are scheduled, prior to the date upon which amendments filed with notice and public participation would become effective.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Board further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective November 1, 2009. These amendments confer a benefit upon the public by ensuring the Board’s ability to maintain its heavily utilized, costly and time-consuming mediation program and to promptly provide mediators to effectuate the settlement of public sector collective bargaining impasses, which settlements help to ensure the effective and orderly operations of government in providing for the public health, safety and welfare.

These amendments are also published herein under Notice of Intended Action as **ARC 8318B** to allow for public comment.

These amendments are intended to implement Iowa Code sections 20.1(5), 20.6(3) and 20.20.

These amendments became effective November 1, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 7.3(2) as follows:

7.3(2) *Date, signature, filing fee and notice.* The request for mediation shall be dated and signed by an authorized representative of the requesting party and be accompanied by a filing fee of \$30, in the form of a check payable to the board. The requesting party shall also serve a copy of the request upon other parties to the negotiations either by personal delivery or by ordinary mail.

ITEM 2. Adopt the following new subrule 7.3(8):

7.3(8) *Processing fee.* Parties to an impasse in which a mediation meeting is scheduled shall pay a processing fee of \$250, to be shared equally by the parties. The fee shall be billed to the parties by the board upon the board’s receipt of notice of the scheduling of the meeting, and shall be remitted by check payable to the board within 30 days of billing.

[Filed Emergency 10/29/09, effective 11/1/09]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/2/09.